

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Biennial Regulatory Review-- Amendment of )  
Parts 0, 1, 13, 22, 24, 26, 27, 80, 90, 95, 97, )  
and 101 of the Commission's Rules to Facilitate )  
the Development and Use of the Universal )  
Licensing System in the Wireless )  
Telecommunications Services )

WT Docket No. 98-20

TO: The Commission

**Reply Comments of the  
Industrial Telecommunications Association, Inc.**

The Industrial Telecommunications Association, Inc. ("ITA"), pursuant to Sections 1.415,<sup>1</sup> of the Commission's rules, hereby respectfully submits these reply comments to the above captioned *Notice of Proposed Rule Making*.<sup>2</sup>

**I. Statement of Interest**

1. The Industrial Telecommunications Association ("ITA") is a Commission certified frequency advisory committee and coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHZ.

2. ITA enjoys the support of a membership that includes more than 6,000 licensed two-way land mobile radio communications users and the following trade associations:

Alliance of Motion Picture and Television Producers  
Aeronautical Radio, Inc.

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<sup>1</sup> See 47 C.F.R. § 1.415.

<sup>2</sup> 63 Fed. Reg. 16938 (April 7, 1998).

Associated Builders & Contractors, Inc.  
Florida Citrus Processors Association  
Florida Fruit & Vegetable Association  
National Mining Congress  
National Propane Gas Association  
National Ready-Mixed Concrete Association  
National Utility Contractors Association  
New England Fuel Institute  
United States Telephone Association

3. Because ITA is a Commission-certified frequency advisory committee, and not a Commission licensee, ITA did not file preliminary comments in this proceeding. Rather, ITA's professional frequency coordination staff met with the Commission on a number of occasions to provide technical feedback during the development of the Universal Licensing System ("ULS"). However, ITA would now like to take this opportunity to express its support for a number of comments made by the American Petroleum Institute ("API").<sup>3</sup>

**II. Transfer and assignment applications should be accompanied by a separate electronic filing by the assignor.**

4. API points out that the Commission's proposed Form 603 Application for Assignment of Authorization would include a section entitled "Assignor Certification Statements" in place of the existing requirement that assignments of authorization be supported by documentation containing the written signature of the assignor.<sup>4</sup> API believes that the removal of the requirement of written documentation of the assignment by the assignor will increase the risk of fraudulent conveyances. ITA agrees.

5. ITA supports API's suggestion that the assignor be required to supply a separate

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<sup>3</sup> Comments of the American Petroleum Institute, filed May 7, 1998 ("API Comments").

<sup>4</sup> API Comments at 4.

electronic filing affirming the assignment. This requirement would add very little inconvenience to the process and would protect unsophisticated Commission licensees from having their license assignments transferred unknowingly.

**III. Mandatory electronic filing should be delayed until six months after the final ULS rules are published in the *Federal Register*.**

6. ITA agrees with API that Commission licensees should have an opportunity to become familiar with the ULS over a period of time before electronic filing becomes mandatory.<sup>5</sup> ITA would also like to use this six month period to educate its membership on the changes in the Commission's application processes that the ULS system represents. Many of ITA's members, and frequency coordination clients, are small businesses that do not ordinarily employ computers. As a result, ITA will be responsible for the electronic filing of many of these licensees applications. Because this filing will require ITA to establish procedures for the protection of its clients confidential information -- TINs and passwords, for example -- ITA believes that maintaining the option of filing manually for a period of six months will ensure a smooth transition process.

**IV. Incumbent and future licensees for private, non-auctionable, radio services should not be required to submit ownership information as part of the application process.**

7. Because some large industrial concerns may hold licenses in both auctionable and non-auctionable radio services, the Commission requested comment on whether licensees for non-auctionable services should be required to provide ownership information in connection with their applications. ITA believes that the filing of such information would be overly burdensome, and of

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<sup>5</sup> *Id* at 6.

little value to the Commission.

8. Rather than adding a new regulatory requirement in a rule making proceeding meant to streamline Commission processes, the Commission should simply require entities that hold licenses won at auction, to reference the call sign of their “auction” channels on any “non-auction” application. This process would be significantly less burdensome than requiring a new class of licensee to submit ownership information, and would address any potential competitive or spectrum management issues that the Commission might have.

**V. The Commission should only discontinue reinstatement applications if it is prepared to enforce a strict “no exceptions” standard to all radio services equally.**

9. API opposes the Commission’s proposal to eliminate the 30-day reinstatement period for expired licenses that is currently extended to PMRS and Fixed Microwave Service licensees.<sup>6</sup> While ITA appreciates that all Commission licensees bear the responsibility of maintaining and renewing their license authorizations, the reality is that from time to time a licensee inadvertently allows their license to expire. To minimize these undesirable lapses, ITA is contemplating procedures whereby a frequency coordinator will directly contact a licensee prior to license expiration so that renewal applications can be timely filed.

10. To the extent that the ULS system can be used to help notify licensees of pending expirations, ITA is supportive of the Commission’s proposal. However, it has been ITA’s experience that not all Commission licensees are treated equally when a license is inadvertently allowed to expire. In the case of Public Safety licensees -- when there is an admittedly heightened level of public interest scrutiny -- the Commission has not always strictly enforced license

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<sup>6</sup> *Id* at 11.

expirations. This becomes particularly problematic in frequency bands that are shared by public safety and PMRS licensees when a PMRS entity is granted an expired public safety frequency, and the public safety entity continues to need access to the channels.

11. The Commission should only contemplate an elimination of the reinstatement period if it is prepared to strictly enforce its rules across all services equally. Perhaps the Commission's frequency advisory committees can play a more direct role in notifying licensees of expiration dates as they gain more experience with the ULS.

## **VI. Conclusion**

12. ITA commends the Commission for this undertaking that promises to greatly simplify the application and licensing process for all applicants. As the ULS comes on-line ITA expects to work with the Commission to offer feedback and help refine and simplify the process.

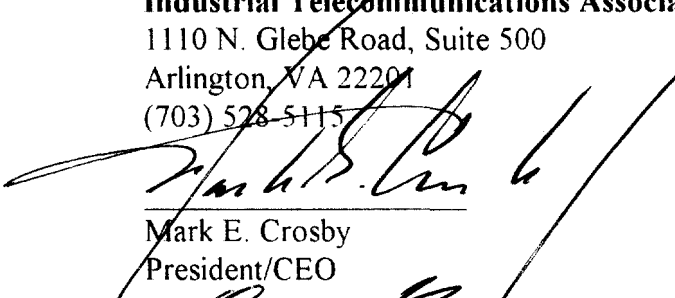
Respectfully Submitted,

**Industrial Telecommunications Association, Inc.**


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### **Certificate of Service**

I, John Kneuer, of the Industrial Telecommunications Association do hereby certify that a copy of the foregoing COMMENTS OF THE INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION has been served this 9th day of June, 1998 by mailing U.S. First-Class, postage prepaid to the following:

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